

  
Councilmember Charles Allen

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide, on an emergency basis, for comprehensive policing and justice reform for District residents and visitors, and for other purposes.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Comprehensive Policing and Justice Reform Emergency Amendment Act of 2023”.

## TITLE I. IMPROVING POLICE ACCOUNTABILITY AND TRANSPARENCY

### SUBTITLE A. PROHIBITING THE USE OF NECK RESTRAINTS

Sec. 101. The Limitation on the Use of the Chokehold Act of 1985, effective January 25, 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.01 et seq.), is amended as follows:

(a) Section 2 (D.C. Official Code § 5-125.01) is amended to read as follows:

“Sec. 2. The Council of the District of Columbia finds and declares that law enforcement and special police officer use of neck restraints constitutes the use of lethal and excessive force. This force presents an unnecessary danger to the public. On May 25, 2020, Minneapolis Police Department officer Derek Chauvin murdered George Floyd by applying a neck restraint to Floyd with his knee for 8 minutes and 46 seconds. Hundreds of thousands, if not millions, of people in cities and states across the world, including in the District, have taken to the streets to peacefully

63 protest injustice, racism, and police brutality against Black people and other people of color. Police  
64 brutality is abhorrent and does not reflect the District’s values. It is the intent of the Council in the  
65 enactment of this act to unequivocally ban the use of neck restraints by law enforcement and  
66 special police officers.”.

67 (b) Section 3 (D.C. Official Code § 5-125.02) is amended as follows:

68 (1) Paragraph (1) is repealed.

69 (2) Paragraph (2) is repealed.

70 (3) A new paragraph (3) is added to read as follows:

71 “(3) “Neck restraint” means the use of any body part or object to attempt to control  
72 or disable a person by applying pressure against the person’s neck, including the trachea or carotid  
73 artery, with the purpose, intent, or effect of controlling or restricting the person’s movement or  
74 restricting their blood flow or breathing.”.

75 (c) Section 4 (D.C. Official Code § 5-125.03) is amended to read as follows:

76 “Sec. 4. Unlawful use of neck restraints by law enforcement officers and special police  
77 officers.

78 “(a) It shall be unlawful for:

79 “(1) Any law enforcement officer or special police officer (“officer”) to apply a  
80 neck restraint; and

81 “(2) Any officer who applies a neck restraint and any officer who is able to observe  
82 another officer’s application of a neck restraint to fail to:

83 “(A) Immediately render, or cause to be rendered, first aid on the person on  
84 whom the neck restraint was applied; or

85 “(B) Immediately request emergency medical services for the person on  
86 whom the neck restraint was applied.

87 “(b) Any officer who violates the provisions of subsection (a) of this section shall be fined  
88 no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment  
89 Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or  
90 incarcerated for no more than 10 years, or both.”.

91 Sec. 102. Section 3 of the Federal Law Enforcement Officer Cooperation Act of 1999,  
92 effective May 9, 2000 (D.C. Law 13-100; D.C. Official Code § 5-302), is amended by striking the  
93 phrase “trachea and carotid artery holds” and inserting the phrase “neck restraints” in its place.

94 SUBTITLE B. IMPROVING ACCESS TO BODY-WORN CAMERA VIDEO  
95 RECORDINGS

96 Sec. 103. Section 3004 of the Body-Worn Camera Regulation and Reporting Requirements  
97 Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 5-116.33), is  
98 amended as follows:

99 (a) Subsection (a)(3) is amended by striking the phrase “interactions;” and inserting the  
100 phrase “interactions, and the results of those internal investigations, including any discipline  
101 imposed;” in its place.

102 (b) New subsections (c), (d), and (e) are added to read as follows:

103 “(c)(1) Notwithstanding any other law:

104 “(A) Within 5 business days after a request from the Chairperson of the  
105 Council Committee with jurisdiction over the Metropolitan Police Department, the Metropolitan  
106 Police Department shall provide unredacted copies of the requested body-worn camera recordings

to the Chairperson. Such body-worn camera recordings shall not be publicly disclosed by the Chairperson or the Council; and

“(B) The Mayor:

“(i) Shall, except as provided in paragraph (2) of this subsection:

“(I) Within 5 business days after an officer-involved death or the serious use of force, publicly release the names and body-worn camera recordings of all officers who committed the officer-involved death or serious use of force; and

“(II) By August 15, 2020, publicly release the names and body-worn camera recordings of all officers who have committed an officer-involved death since the Body-Worn Camera Program was launched on October 1, 2014; and

“(ii) May, on a case-by-case basis in matters of significant public interest and after consultation with the Chief of Police, the United States Attorney's Office for the District of Columbia, and the Office of the Attorney General, publicly release any other body-worn camera recordings that may not otherwise be releasable pursuant to a FOIA request.

“(2)(A) The Mayor shall not release a body-worn camera recording pursuant to paragraph (1)(B)(i) of this subsection if the following persons inform the Mayor, orally or in writing, that they do not consent to its release:

“(i) For a body-worn camera recording of an officer-involved death, the decedent’s next of kin; and

“(ii) For a body-worn camera recording of a serious use of force, the individual against whom the serious use of force was used, or if the individual is a minor or unable to consent, the individual’s next of kin.

“(B)(i) In the event of a disagreement between the persons who must consent to the release of a body-worn camera recording pursuant to subparagraph (A) of this paragraph, the Mayor shall seek a resolution in the Superior Court of the District of Columbia.

“(ii) The Superior Court of the District of Columbia shall order the release of the body-worn camera recording if it finds that the release is in the interests of justice.

“(d) Before publicly releasing a body-worn camera recording of an officer-involved death, the Metropolitan Police Department shall:

“(1) Consult with an organization with expertise in trauma and grief on best practices for creating an opportunity for the decedent’s next of kin to view the body-worn camera recording in advance of its release;

“(2) Notify the decedent’s next of kin of its impending release, including the date when it will be released; and

“(3) Offer the decedent’s next of kin the opportunity to view the body-worn camera recording privately in a non-law enforcement setting in advance of its release, and if the next of kin wish to so view the body-worn camera recording, facilitate its viewing.

“(e) For the purposes of this subsection, the term:

“(1) “FOIA” means Title II of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 et seq.);

“(2) “Next of kin” shall mean the priority for next of kin as provided in Metropolitan Police Department General Order 401.08, or its successor directive; and

“(3) “Serious use of force” shall have the same meaning as that term is defined in MPD General Order 901.07, or its successor directive.”.

151           Sec. 104. Chapter 39 of Title 24 of the District of Columbia Municipal Regulations is  
152 amended as follows:

153           (a) Section 3900 is amended as follows:

154                   (1) Subsection 3900.9 is amended to read as follows:

155           “3900.9. Members may not review their BWC recordings or BWC recordings that have  
156 been shared with them to assist in initial report writing.”.

157                   (2) Subsection 3900.10 is amended to read as follows:

158           “3900.10. (a) Notwithstanding any other law, the Mayor:

159                           “(1) Shall, except as provided in paragraph (b) of this subsection:

160                                   “(A) Within 5 business days after an officer-involved death or the  
161 serious use of force, publicly release the names and BWC recordings of all officers who committed  
162 the officer-involved death or serious use of force; and

163                                   “(B) By August 15, 2020, publicly release the names and BWC  
164 recordings of all officers who have committed an officer-involved death since the BWC Program  
165 was launched on October 1, 2014; and

166                           “(2) May, on a case-by-case basis in matters of significant public interest  
167 and after consultation with the Chief of Police, the United States Attorney's Office for the District  
168 of Columbia, and the Office of the Attorney General, publicly release any other BWC recordings  
169 that may not otherwise be releasable pursuant to a FOIA request.

170                   “(b)(1) The Mayor shall not release a BWC recording pursuant to paragraph (a)(1)  
171 of this subsection if the following persons inform the Mayor, orally or in writing, that they do not  
172 consent to its release:

173                   “(A) For a BWC recording of an officer-involved death, the  
174 decedent’s next of kin; and

175                   “(B) For a BWC recording of a serious use of force, the individual  
176 against whom the serious use of force was used, or if the individual is a minor or is unable to  
177 consent, the individual’s next of kin.

178                   “(2)(A) In the event of a disagreement between the persons who must  
179 consent to the release of a BWC recording pursuant to subparagraph (1) of this paragraph, the  
180 Mayor shall seek a resolution in the Superior Court of the District of Columbia.

181                   “(B) The Superior Court of the District of Columbia shall order the  
182 release of the BWC recording if it finds that the release is in the interests of justice.

183                   “(c) Before publicly releasing a BWC recording of an officer-involved death, the  
184 Metropolitan Police Department shall:

185                   “(1) Consult with an organization with expertise in trauma and grief on best  
186 practices for creating an opportunity for the decedent’s next of kin to view the BWC recording in  
187 advance of its release;

188                   “(2) Notify the decedent’s next of kin of its impending release, including  
189 the date when it will be released; and

190                   “(3) Offer the decedent’s next of kin the opportunity to view the BWC  
191 recording privately in a non-law enforcement setting in advance of its release, and if the next of  
192 kin wish to so view the BWC recording, facilitate its viewing.”.

193                   (b) Section 3901.2 is amended by adding a new paragraph (a-1) to read as follows:



194 “(a-1) Recordings related to a request from or investigation by the Chairperson of  
195 the Council Committee with jurisdiction over the Department;”.

196 (c) Section 3902.4 is amended to read as follows:

197 “3902.4. Notwithstanding any other law, within 5 business days after a request from the  
198 Chairperson of the Council Committee with jurisdiction over the Department, the Department shall  
199 provide unredacted copies of the requested BWC recordings to the Chairperson. Such BWC  
200 recordings shall not be publicly disclosed by the Chairperson or the Council.”.

201 (d) Section 3999.1 is amended by inserting definitions between the definitions of  
202 “metadata” and “subject” to read as follows:

203 ““Next of kin” shall mean the priority for next of kin as provided in MPD General Order  
204 401.08, or its successor directive.

205 ““Serious use of force” shall have the same meaning as that term is defined in MPD General  
206 Order 901.07, or its successor directive.”.

#### 207 SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS

208 Sec. 105. The Office of Citizen Complaint Review Establishment Act of 1998, effective  
209 March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 et seq.), is amended as follows:

210 (a) Section 5(a) (D.C. Official Code § 5-1104(a)) is amended by striking the phrase “There  
211 is established a Police Complaints Board (“Board”). The Board shall be composed of 5 members,  
212 one of whom shall be a member of the MPD, and 4 of whom shall have no current affiliation with  
213 any law enforcement agency.” and inserting the phrase “There is established a Police Complaints  
214 Board (“Board”). The Board shall be composed of 9 members, which shall include one member  
215 from each Ward and one at-large member, none of whom, after the expiration of the term of the

currently serving member of the MPD, shall be affiliated with any law enforcement agency.” in its place.

(b) Section 8 (D.C. Official Code § 5-1107) is amended as follows:

(1) A new subsection (g-1) is added to read as follows:

“(g-1)(1) If the Executive Director discovers evidence of abuse or misuse of police powers that was not alleged by the complainant in the complaint, the Executive Director may:

“(A) Initiate the Executive Director’s own complaint against the subject police officer; and

“(B) Take any of the actions described in subsection (g)(2) through (6) of this section.

“(2) The authority granted pursuant to paragraph (1) of this subsection shall include circumstances in which the subject police officer failed to:

“(A) Intervene in or subsequently report any use of force incident in which the subject police officer observed another law enforcement officer, including an MPD officer, utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order 901.07, its successor directive, or a similar local or federal directive; or

“(B) Immediately report to their supervisor any violations of the rules and regulations of the MPD committed by any other MPD officer, and each instance of their use of force or a use of force committed by another MPD officer, pursuant to MPD General Order 201.26, or any successor directive.”.

(2) Subsection (h) is amended by striking the phrase “subsection (g)” and inserting the phrase “subsection (g) or (g-1)” in its place.

238

239           SUBTITLE D. ANTI-MASK LAW REPEAL

240           Sec. 106. The Anti-Intimidation and Defacing of Public or Private Property Criminal  
241   Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312 et  
242   seq.), is amended as follows:

243           (a) Section 4 (D.C. Official Code § 22-3312.03) is repealed.

244           (b) Section 5(b) (D.C. Official Code § 22-3312.04(b)) is amended by striking the phrase  
245   “or section 4 shall be” and inserting the phrase “shall be” in its place.

246           Sec. 107. Section 23-581(a-3) of the District of Columbia Official Code is amended by  
247   striking the phrase “sections 22-3112.1, 22-3112.2, and 22-3112.3” and inserting the phrase  
248   “sections 22-3112.1 and 22-3112.2” in its place.

249           SUBTITLE E. LIMITATIONS ON CONSENT SEARCHES

250           Sec. 108. Subchapter II of Chapter 5 of Title 23 of the District of Columbia Official Code  
251   is amended by adding a new section 23-526 to read as follows:

252           “§ 23–526. Limitations on consent searches.

253           “(a) In cases where a search is based solely on the subject’s consent to that search, and is  
254   not executed pursuant to a warrant or conducted pursuant to an applicable exception to the warrant  
255   requirement, sworn members of District Government law enforcement agencies shall:

256                   “(1) Prior to the search of a person, vehicle, home, or property:

257                           “(A) Explain, using plain and simple language delivered in a calm  
258   demeanor, that the subject of the search is being asked to voluntarily, knowingly, and intelligently  
259   consent to a search;

260                               “(B) Advise the subject that:

261                               “(i) A search will not be conducted if the subject refuses to provide

262 consent to the search; and

263                               “(ii) The subject has a legal right to decline to consent to the search;

264                               “(C) Obtain consent to search without threats or promises of any kind being

265 made to the subject;

266                               “(D) Confirm that the subject understands the information communicated

267 by the officer; and

268                               “(E) Use interpretation services when seeking consent to conduct a search

269 of a person:

270                               “(i) Who cannot adequately understand or express themselves in

271 spoken or written English; or

272                               “(ii) Who is deaf or hard of hearing.

273                               “(2) If the sworn member is unable to obtain consent from the subject, refrain from

274 conducting the search.

275                               “(b) The requirements of subsection (a) of this section shall not apply to searches executed

276 pursuant to a warrant or conducted pursuant to an applicable exception to the warrant requirement.

277                               “(c)(1) If a defendant moves to suppress any evidence obtained in the course of the search

278 for an offense prosecuted in the Superior Court of the District of Columbia, the court shall consider

279 an officer’s failure to comply with the requirements of this section as a factor in determining the

280 voluntariness of the consent.

“ (2) There shall be a presumption that a search was nonconsensual if the evidence of consent, including the warnings required in subsection (a) of this section, is not captured on body-worn camera or provided in writing.

“(d) Nothing in this section shall be construed to create a private right of action.”.

SUBTITLE F. MANDATORY CONTINUING EDUCATION EXPANSION;  
RECONSTITUTING THE POLICE OFFICERS STANDARDS AND TRAINING BOARD

Sec. 109. Title II of the Metropolitan Police Department Application, Appointment, and Training Requirements of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01 et seq.), is amended as follows:

(a) Section 203(b) (D.C. Official Code § 5-107.02(b)) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase “biased-based policing” and inserting the phrase “biased-based policing, racism, and white supremacy” in its place.

(2) Paragraph (3) is amended to read as follows:

“(3) Limiting the use of force and employing de-escalation tactics;”.

(3) Paragraph (4) is amended to read as follows:

“(4) The prohibition on the use of neck restraints;”.

(4) Paragraph (5) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(5) Paragraph (6) is amended by striking the period and inserting a semicolon in its place.

(6) New paragraphs (7) and (8) are added to read as follows:

“(7) Obtaining voluntary, knowing, and intelligent consent from the subject of a search, when that search is based solely on the subject’s consent; and

“(8) The duty of a sworn officer to report, and the method for reporting, suspected misconduct or excessive use of force by a law enforcement official that a sworn member observes or that comes to the sworn member’s attention, as well as any governing District laws and regulations and Department written directives.”.

(b) Section 204 (D.C. Official Code § 5-107.03) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “the District of Columbia Police” and inserting the phrase “the Police” in its place.

(2) Subsection (b) is amended as follows:

(A) The lead-in language is amended by striking the phrase “11 persons” and inserting the phrase “15 persons” in its place.

(B) A new paragraph (2A) is added to read as follows:

“(2A) Executive Director of the Office of Police Complaints or the Executive Director’s designee;”.

(C) Paragraph (3) is amended to read as follows:

“(3) The Attorney General for the District of Columbia or the Attorney General’s designee;”.

(D) Paragraph (8) is amended by striking the period and inserting the phrase “; and” in its place.

(E) Paragraph (9) is amended to read as follows:

“ (9) Five community representatives appointed by the Mayor, one each with expertise in the following areas:

“(A) Oversight of law enforcement;

“(B) Juvenile justice reform;

“(C) Criminal defense;

“(D) Gender-based violence or LGBTQ social services, policy, or advocacy; and

“(E) Violence prevention or intervention.”.

(3) Subsection (i) is amended by striking the phrase “promptly after the appointment and qualification of its members” and inserting the phrase “by September 1, 2020” in its place.

(c) Section 205(a) (D.C. Official Code § 5-107.04(a)) is amended by adding a new paragraph (9A) to read as follows:

“(9A) If the applicant has prior service with another law enforcement or public safety agency in the District or another jurisdiction, information on any alleged or sustained misconduct or discipline imposed by that law enforcement or public safety agency;”.

#### SUBTITLE G. IDENTIFICATION OF MPD OFFICERS DURING FIRST AMENDMENT ASSEMBLIES AS LOCAL LAW ENFORCEMENT

Sec. 110. Section 109 of the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.09), is amended as follows:

(a) Designate the existing text as subsection (a).

(b) A new subsection (b) is added to read as follows:

“(b) During a First Amendment assembly, the uniforms and helmets of officers policing the assembly shall prominently identify the officers’ affiliation with local law enforcement.”.

#### SUBTITLE H. PRESERVING THE RIGHT TO JURY TRIAL

Sec. 111. Section 16-705(b)(1) of the District of Columbia Official Code is amended as follows:

(a) Subparagraph (A) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(b) Subparagraph (B) is amended by striking the phrase “; and” and inserting the phrase “; or” in its place.

(c) A new subparagraph (C) is added to read as follows:

“(C)(i) The defendant is charged with an offense under:

“(I) Section 806(a)(1) of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–404(a)(1));

“(II) Section 432a of the Revised Statutes of the District of Columbia (D.C. Official Code § 22–405.01); or

“(III) Section 2 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 193; D.C. Official Code § 22–407); and

“(ii) The person who is alleged to have been the victim of the offense is a law enforcement officer, as that term is defined in section 432(a) of the Revised Statutes of the District of Columbia (D.C. Official Code § 22-405(a)); and”.



367           SUBTITLE I. REPEAL OF FAILURE TO ARREST CRIME

368           Sec. 112. Section 400 of the Revised Statutes of the District of Columbia (D.C. Official  
369 Code § 5-115.03), is repealed.

370           SUBTITLE J. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS

371           Sec. 113. Section 202 of the Omnibus Police Reform Amendment Act of 2000, effective  
372 October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01), is amended by adding a new  
373 subsection (f) to read as follows:

374           “(f) An applicant shall be ineligible for appointment as a sworn member of the  
375 Metropolitan Police Department if the applicant:

376                   “(1) Was previously determined by a law enforcement agency to have committed  
377 serious misconduct, as determined by the Chief by General Order;

378                   “(2) Was previously terminated or forced to resign for disciplinary reasons from  
379 any commissioned or recruit or probationary position with a law enforcement agency; or

380                   “(3) Previously resigned from a law enforcement agency to avoid potential,  
381 proposed, or pending adverse disciplinary action or termination.”.

382           SUBTITLE K. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING  
383 AGREEMENTS

384           Sec. 114. Section 1708 of the District of Columbia Government Comprehensive Merit  
385 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.08),  
386 is amended by adding a new subsection (c) to read as follows:

387           “(c)(1) All matters pertaining to the discipline of sworn law enforcement personnel shall  
388 be retained by management and not be negotiable.

“(2) This subsection shall apply to any collective bargaining agreements entered into with the Fraternal Order of Police/Metropolitan Police Department Labor Committee after September 30, 2020.”.

#### SUBTITLE L. OFFICER DISCIPLINE REFORMS

Sec. 115. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is amended as follows:

(a) Subsection (a-1) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “subsection (b) of this section” and inserting the phrase “paragraph (1A) of this subsection and subsection (b) of this section” in its place.

(2) A new paragraph (1A) is added to read as follows:

“(1A) If the act or occurrence allegedly constituting cause involves the serious use of force or indicates potential criminal conduct by a sworn member or civilian employee of the Metropolitan Police Department, the period for commencing a corrective or adverse action under this subsection shall be 180 days, not including Saturdays, Sundays, or legal holidays, after the date that the Metropolitan Police Department had notice of the act or occurrence allegedly constituting cause.”.

(3) Paragraph (2) is amended by striking the phrase “paragraph (1)” and inserting the phrase “paragraphs (1) and (1A)” in its place.

(b) Subsection (b) is amended by striking the phrase “the 90-day period” and inserting the phrase “the 90-day or 180-day period, as applicable,” in its place.

Sec. 116. Section 6-A1001.5 of Chapter 10 of Title 6 of the District of Columbia Municipal Regulations is amended by striking the phrase “reduce the penalty” and inserting the phrase “reduce or increase the penalty” in its place.

#### SUBTITLE M. USE OF FORCE REFORMS

Sec. 117. Use of deadly force.

(a) For the purposes of this section, the term:

(1) “Deadly force” means any force that is likely or intended to cause serious bodily injury or death.

(2) “Deadly weapon” means any object, other than a body part or stationary object, that in the manner of its actual, attempted, or threatened use, is likely to cause serious bodily injury or death.

(3) “Serious bodily injury” means extreme physical pain, illness, or impairment of physical condition, including physical injury, that involves:

(A) A substantial risk of death;

(B) Protracted and obvious disfigurement;

(C) Protracted loss or impairment of the function of a bodily member or organ; or

(D) Protracted loss of consciousness.

(b) A law enforcement officer shall not use deadly force against a person unless:

(1) The law enforcement officer reasonably believes that deadly force is immediately necessary to protect the law enforcement officer or another person, other than the subject of the use of deadly force, from the threat of serious bodily injury or death;

(2) The law enforcement officer's actions are reasonable, given the totality of the circumstances; and

(3) All other options have been exhausted or do not reasonably lend themselves to the circumstances.

(c) A trier of fact shall consider:

(1) The reasonableness of the law enforcement officer's belief and actions from the perspective of a reasonable law enforcement officer; and

(2) The totality of the circumstances, which shall include:

(A) Whether the subject of the use of deadly force:

(i) Possessed or appeared to possess a deadly weapon; and

(ii) Refused to comply with the law enforcement officer's lawful order to surrender an object believed to be a deadly weapon prior to the law enforcement officer using deadly force;

(B) Whether the law enforcement officer engaged in de-escalation measures prior to the use of deadly force, including taking cover, waiting for back-up, trying to calm the subject of the use of force, or using non-deadly force prior to the use of deadly force; and

(C) Whether any conduct by the law enforcement officer prior to the use of deadly force increased the risk of a confrontation resulting in deadly force being used.

#### SUBTITLE N. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY WEAPONRY

Sec. 118. Limitations on military weaponry acquired by District law enforcement agencies.

(a) Beginning in Fiscal Year 2021, District law enforcement agencies shall not acquire the following property through any program operated by the federal government:

- (1) Ammunition of .50 caliber or higher;
- (2) Armed or armored aircraft or vehicles;
- (3) Bayonets;
- (4) Explosives or pyrotechnics, including grenades;
- (5) Firearm mufflers or silencers;
- (6) Firearms of .50 caliber or higher;
- (7) Firearms, firearm accessories, or other objects, designed or capable of launching explosives or pyrotechnics, including grenade launchers; and
- (8) Remotely piloted, powered aircraft without a crew aboard, including drones.

(b)(1) If a District law enforcement agency requests property through a program operated by the federal government, the District law enforcement agency shall publish notice of the request on a publicly accessible website within 14 days after the date of the request.

(2) If a District law enforcement agency acquires property through a program operated by the federal government, the District law enforcement agency shall publish notice of the acquisition on a publicly accessible website within 14 days after the date of the acquisition.

(c) District law enforcement agencies shall disgorge any property described in subsection (a) of this section that the agencies currently possess within 180 days after the effective date of the Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020, effective December 3, 2020 (D.C. Law 23-151; 67 DCR 9920).

SUBTITLE O. LIMITATIONS ON THE USE OF INTERNATIONALLY BANNED  
CHEMICAL WEAPONS, RIOT GEAR, AND LESS-LETHAL PROJECTILES

Sec. 119. The First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.01 et seq.), is amended as follows:

(a) Section 102 (D.C. Official Code § 5-331.02) is amended as follows:

(1) Paragraphs (1) and (2) are redesignated as paragraphs (2) and (4) respectively.

(2) A new paragraph (1) is added to read as follows:

“(1) “Chemical irritant” means tear gas or any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure, or any substance prohibited by the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, effective April 29, 1997.”.

(3) A new paragraph (3) is added to read as follows:

“(3) “Less-lethal projectiles” means any munition that may cause bodily injury or death through the transfer of kinetic energy and blunt force trauma. The term “less-lethal projectiles” includes rubber or foam-covered bullets and stun grenades.”.

(b) Section 116 (D.C. Official Code § 5-331.16) is amended to read as follows:

“Sec. 116. Use of riot gear and riot tactics at First Amendment assemblies.

“(a)(1) No officers in riot gear may be deployed in response to a First Amendment assembly unless there is an immediate risk to officers of significant bodily injury. Any deployment of officers in riot gear:

496 “(A) Shall be consistent with the District’s policy on First Amendment  
497 assemblies; and

498 “(B) May not be used as a tactic to disperse a First Amendment assembly.

499 “(2) Following any deployment of officers in riot gear in response to a First  
500 Amendment assembly, the commander at the scene shall make a written report to the Chief of  
501 Police within 48 hours, and that report shall be available to the public.

502 “(b)(1) Chemical irritants shall not be used by MPD to disperse a First Amendment  
503 assembly.

504 “(2) The Mayor shall request that any federal law enforcement agency operating in  
505 the District refrain from the use of chemical irritants to disperse a First Amendment assembly.

506 “(c)(1) Less-lethal projectiles shall not be used by MPD to disperse a First Amendment  
507 assembly.

508 “(2) The Mayor shall request that any federal law enforcement agency operating in  
509 the District refrain from the use of less-lethal projectiles to disperse a First Amendment  
510 assembly.”.

511 **SUBTITLE P. OPIOID OVERDOSE PREVENTION**

512 **Sec. 120.** The Opioid Overdose Prevention Temporary Amendment Act of 2022, effective  
513 September 21, 2022 (D.C. Law 24-180; 69 DCR 9334), is repealed.

514 **Sec. 121.** Section 4(b) of the Drug Paraphernalia Act of 1982, effective September 17, 1982  
515 (D.C. Law 4-149; D.C. Official Code § 48-1103(b)), is amended by adding a new paragraph (1B)  
516 to read as follows:

“(1B) Notwithstanding paragraph (1) of this subsection, it shall not be unlawful for District government employees, contractors, and grantees, acting within the scope of their employment, contract, or grant, to deliver, or possess with intent to deliver, drug paraphernalia for the personal use of a controlled substance.”.

#### SUBTITLE Q. METROPOLITAN POLICE DEPARTMENT OVERTIME SPENDING TRANSPARENCY

Sec. 122. The Metropolitan Police Department Overtime Spending Accountability Temporary Act of 2022, effective December 21, 2022 (D.C. Law 24-220; 69 DCR 13964), is repealed.

Sec. 123. Section 386 of the Revised Statutes of the District of Columbia (D.C. Official Code § 5-113.01), is amended as follows:

(a) Subsection (c)(1) is amended as follows:

(1) Subparagraph (A) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Subparagraph (B)(ii) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(3) A new subparagraph (C) is added to read as follows:

“(C) Copies of the overtime pay spending reports submitted to the Council as described in subsection (d) of this section.”.

(b) A new subsection (d) is added to read as follows:

“(d) MPD shall provide a written report every 2 pay periods on MPD’s overtime pay spending to the Council that describes the amount spent year-to-date on overtime pay and the staffing plan and conditions justifying the overtime pay.”.



540 SUBTITLE R. LIMITING APPLICATION OF DUNCAN ORDINANCE

541 Sec. 124. Section 1004 of Title 1 of the District of Columbia Municipal Regulations (1  
542 DCMR § 1004), is amended by adding a new subsection 1004.10 to read as follows:

543 “1004.10. Nothing in this section shall prohibit the Metropolitan Police Department from  
544 providing unexpurgated adult arrest records to employees or contractors working to reduce gun  
545 violence, or serve individuals at high risk of being involved in gun violence, within the following  
546 District agencies:

547 “(a) The Criminal Justice Coordinating Council;

548 “(b) The Office of Gun Violence Prevention;

549 “(c) The Office of Neighborhood Safety and Engagement;

550 “(d) The Office of the Attorney General; and

551 “(e) The Office of Victim Services and Justice Grants.”.

552 TITLE II. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

553 Sec. 201. Applicability.

554 (a) The provisions of this act, except for section 122, shall expire as of the effective date  
555 of the Comprehensive Policing and Justice Reform Amendment Act of 2022, enacted on January  
556 19, 2023 (D.C. Act 24-781; 70 DCR 953).

557 (b) Notwithstanding subsection (a) of this section:

558 (1) Section 105 shall expire as of the applicability date of section 105 of the  
559 Comprehensive Policing and Justice Reform Amendment Act of 2022, enacted on January 19,  
560 2023 (D.C. Act 24-781; 70 DCR 953); and

561 (2) Section 119 shall expire on October 1, 2023.

562           Sec. 202. Fiscal impact statement.

563           The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
564 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
565 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

566           Sec. 203. Effective date.

567           This act shall take effect following approval by the Mayor (or in the event of veto by the  
568 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
569 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
570 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
571 D.C. Official Code §1-204.12(a)).